

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

MARILYN MOORE, RYAN and LAURA)
SPADO, CYNTHIA LOVELESS, ELLEN and)
LARRY GILLILAND, GEROLD GALLEGOS)
and DEBORAH CAMPBELL, ROBERT SELF)
and DORIS LASHAY SMITH, and BRIAN and)
DANYELLE MILLER, individually)
and on behalf of all others similarly situated,)

Plaintiffs,

v.

CASE NO.: 3:18-cv-00410

WESTGATE RESORTS, LTD., L.P. a/k/a)
WESTGATE RESORTS, LTD., CENTRAL)
FLORIDA INVESTMENTS, INC., WESTGATE)
RESORTS, INC., WESTGATE MARKETING,)
LLC, WESTGATE VACATION VILLAS, LLC,)
and CFI RESORTS MANAGEMENT, INC.,)

Defendants.

**JOINT MOTION TO AMEND SCHEDULING ORDER AND FOR
ENTRY OF STIPULATED BRIEFING SCHEDULE ON ISSUES OF
DAUBERT MOTIONS, CLASS CERTIFICATION, AND DISPOSITIVE MOTIONS**

COME Plaintiffs and Defendants Westgate Resorts, Ltd., L.P. a/k/a Westgate Resorts, Ltd., Westgate Marketing, LLC, and CFI Resorts Management, Inc.— all parties that have appeared—by and through counsel, and pursuant to this Court’s January 22, 2019 Scheduling Order [Doc. 37] and E.D. Tenn. L.R. 7.1, respectfully move the Court to amend said Scheduling Order as set forth below and to enter a stipulated briefing schedule regarding the issues of *Daubert* motions, class certification, and dispositive motions. These proposed amendments will not impact the current trial date. As grounds for this Motion, the parties would show as follows:

1. Paragraph 5 of the Scheduling Order [Doc. 37] provides an October 15, 2019 deadline for Plaintiffs to disclose expert testimony, a November 19, 2019 deadline for

Defendants to disclose expert testimony, and a December 17, 2019 deadline for *Daubert* motions.

2. To allow sufficient time for rebuttal reports and expert depositions, the parties respectfully request that a deadline of December 10, 2019 be set for the disclosure of rebuttal expert testimony and that the deadline for filing *Daubert* motions be moved to January 10, 2020. Under this proposal, E.D. Tenn. L.R. 7.1(a)'s deadlines for filing responses and replies would remain in effect.

3. Paragraph 4 of the Scheduling Order [Doc. 37] provides a January 30, 2020 deadline for filing a motion for class certification. Under E.D. Tenn. L.R. 7.1(a), the response to a motion for class certification is currently due fourteen days later, likely on February 13, 2020, and any reply brief is due seven days after the filing of the response, likely on February 20, 2020.

4. The parties respectfully request that a stipulated briefing schedule on the issue of class certification be entered providing that the response to a motion for class certification be due on February 28, 2020, and that any reply brief be due on March 20, 2020.

5. Paragraph 8(c) of the Scheduling Order [Doc. 37] provides an April 14, 2020 deadline for the filing of dispositive motions. Under E.D. Tenn. L.R. 7.1(a), responses to dispositive motions are currently due twenty-one days later, likely on May 5, 2020, and any replies are due seven days after the filing of the responses, likely on May 12, 2020.

6. The parties respectfully request that a stipulated briefing schedule on dispositive motions be entered providing that responses to dispositive motions be due on May 12, 2020, and that any reply briefs be due on May 26, 2020.

7. In summary, the dates presently in the scheduling order and the requested amended dates are as follows:

	Current Date	Proposed Amended Date
Disclosure of rebuttal opinions	None	December 10, 2019
<i>Daubert</i> motions	December 17, 2019	January 10, 2020
Response to motion for class certification	February 13, 2020	February 28, 2020
Reply brief to motion for class certification	February 20, 2020	March 20, 2020
Responses to dispositive motions	May 5, 2020	May 12, 2020
Reply briefs to dispositive motions	May 12, 2020	May 26, 2020

8. The parties attach hereto a proposed Amended Scheduling Order and stipulated briefing schedule addressing the issues of *Daubert* motions, class certification, and dispositive motions.

WHEREFORE, the parties respectfully request that the Court amend the Scheduling Order [Doc. 37] to provide a deadline of December 10, 2019 for disclosing rebuttal expert testimony and enter the attached proposed stipulated briefing schedule addressing the issue of *Daubert* motions, class certification, and dispositive motions.

Respectfully submitted this 1st day of February, 2019.

**WOOLF, MCCLANE, BRIGHT, ALLEN
& CARPENTER, PLLC**

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

By: s/Robert L. Vance
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